

Senate bill No. 81, A bill to be entitled "An Act to authorize Tuffli Brothers' Pig Iron and Coke Company to sue the State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAUST, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on State Affairs, to whom was referred

Senate bill No. 81, A bill to be entitled "An Act to authorize Tuffli Brothers' Pig Iron and Coke Company to sue the State, and declaring an emergency,"

Have had the same under consideration, and beg leave to dissent from the majority report with the recommendation that it do not pass.

BRACHFIELD.

(Floor Report.)

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 189, A bill to be entitled "An Act to require the collector of taxes for each county to make up a list of the delinquent taxes and to collect same, and fixing his compensation therefor,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Grinnan, Paulus, Green, Senter, Harper, Chambers, Veale, Brachfield, Meachum.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 244, A bill to be entitled "An Act authorizing the Governor of Texas and the Superintendent of Public Buildings and Grounds to expend the sum of \$5000, or so much thereof as may be necessary, in purchasing and having erected a suitable

monument of Texas granite over the grave of General Sam Houston, at Huntsville, Texas, having said grave enclosed by a suitable iron fence, and for improving and properly caring for such grave, providing an appropriation therefor, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 185, A bill to be entitled "An Act to amend Article 1081, Code of Criminal Procedure, prescribing the compensation of district attorneys to be paid by the State, by adding thereto Article 1081a, prescribing the compensation of district attorneys in districts composed of five or more counties, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 283, A bill to be entitled "An Act to create a more efficient road system for Gillespie county, Texas, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

#### FIFTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, March 27, 1907.

Senate met pursuant to adjournment.  
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Barrett.	Harper.
Chambers.	Holsey.
Cunningham.	Hudspeth.
Faust.	Kellie.
Glasscock.	Looney.
Green.	Masterson.
Greer.	Mayfield.
Griggs.	Murray.
Grinnan.	Paulus.
Harbison.	Senter.

Skinner.	Terrell.
Smith.	Veale.
Stokes.	Watson.
Stone.	Willacy.

Absent.

Brachfield.	Meachum.
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Absent—Excused.

Alexander.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

#### BILLS AND RESOLUTIONS.

By Senator Green:

Senate bill No. 305, A bill to be entitled "An Act to make it unlawful to be interested in or instrumental in operating or maintaining a gambling house, or to permit property to be used as a gambling house; providing a penalty therefor, defining gambling houses, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

#### SIMPLE RESOLUTION.

By Senator Griggs:

Whereas, The patriotic and historic organization, the "Daughters of the Republic of Texas," desire to use the Senate Chamber for its annual conference on April 19 and 20, 1907; and

Whereas, The patriotic organization, the Daughters of the American Revolution, desire to hold its annual conference in the Senate Chamber in November, 1907; and

Whereas, Said patriotic organizations represent the noble womanhood of our great State; therefore, be it

Resolved, That the courtesy of the use of the Senate Chamber be and the same is hereby extended to said patriotic ladies for said conferences, and the Superintendent of Public Buildings and Grounds be and he is hereby requested to place the Senate Chamber at their disposal on said occasions.

The resolution was read and adopted.

The following letter was presented with the resolution:

To Lieutenant Governor Davidson and the Honorable Members of the Senate of the Texas Legislature:

I have the honor of being appointed

by the "Thankful Hubbard" Chapter of the Daughters of the American Revolution, at Austin, Texas, to respectfully ask your permission to use our beautiful Senate Chamber during the annual State conference of the D. A. R., which will meet with this chapter in November, 1907. Texas expects to have at that time Mrs. Donald McLean, of Washington, D. C., president general of the National organization of the Daughters of the American Revolution. Mrs. McLean is a noted platform speaker. We want the Chamber for her address and reception. It will give my chapter pleasure to extend to each member of the Senate and House and their families a most cordial invitation to be our guests and near this patriotic Maryland woman. We ask that the Chamber be seated with 500 chairs. We want to show our president general that Texas is keeping step with the other States in patriotic womanhood, and also to extend to her every courtesy due an intellectual Southern woman. I am,

Very truly yours,

MRS. E. P. SMITH.

Austin, Texas, March 27, 1907.

#### SPECIAL COMMITTEE REPORT.

Senator Glásscok offered the following special committee report:

Committee Room,

Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: Your Committee on Arrangements for the Bryan reception recommend as follows on the part of the Senate:

The Senate to meet in their own chamber at 8:10 p. m. on Friday, March 29, 1907, and to go in a body into the House and occupy seats in the center aisle set aside for them, the Speaker of the House and President of the Senate presiding in joint session. The Lieutenant Governor of the State of Texas shall introduce Hon. W. J. Bryan. The following State officers may occupy seats on the Speaker's stand: Governor, Attorney General, Secretary of State, State Treasurer, Comptroller, Land Commissioner, Superintendent of Public Instruction, and no one else.

There shall be printed for distribution one thousand tickets for the first floor, which shall be divided as follows: Five tickets for each member of the House

and Senate and five tickets each for the eight heads of State Departments, two tickets each for the Railroad Commissioners, two tickets each for the members of the Supreme Court, two tickets each for the members of the Court of Criminal Appeals, two tickets for the judges of the Austin Court of Civil Appeals, two tickets for the Adjutant General, two tickets for the State Revenue Agent, two tickets for the Commissioner of Insurance, two tickets for the State Health Officer, five tickets for the Superintendent of Public Buildings and Grounds, ten tickets for the Chief Clerk of the House, five tickets for the Sergeant-at-Arms of the House, ten tickets for the Secretary of the Senate, five tickets for the Sergeant-at-Arms of the Senate, thirty tickets for the Speaker of the House, and thirty tickets for the Lieutenant Governor.

There shall be issued for the gallery two thousand tickets. Members of the House and Senate shall each receive eleven gallery tickets, the Lieutenant Governor and Speaker of the House shall each receive ninety tickets.

Tickets of any member not present to claim same shall be turned over to the Speaker and Lieutenant Governor to be distributed among other members upon application.

Each of said tickets must be countersigned by the Speaker of the House, or under his direction. All tickets must be taken up when presented at the door. The Sergeant-at-Arms of the House shall place a doorkeeper at the east door of the Capitol building, and admit no one except upon presentation of ticket, and shall place a doorkeeper in the gallery, where he will admit no one except upon presentation of a ticket of admission to the gallery, or under the rules of the House. The doorkeeper will admit no one upon the floor of the House except upon a ticket of admission to the floor, or under the rules of the House. The tickets for the floor of the House shall be printed on pink paper and the tickets for the gallery shall be printed on white paper. The Chief Clerk shall at once have said tickets printed, and deliver same to the Speaker to be countersigned, and when so countersigned they shall at once be delivered to parties entitled thereto, and when tickets are assigned to parties not in the city, the Chief Clerk shall notify said parties that he holds said tickets subject to their order, and state where they can be delivered upon their arrival

in the city of Austin. The doors of the Capitol will be opened at 7 p. m. for admission. The House will be called to order in Joint Session at 8:20 p. m. on Friday, March 29, 1907.

Respectfully submitted,  
GLASSCOCK,  
WILLACY,  
CHAMBERS,

On part of the Senate.

The report was read, and

Senator Chambers offered the following amendment to the report.

Amend at the request of the Lieutenant Governor, to strike out the word "Lieutenant," in line 7, so as to have the Governor to introduce the distinguished speaker, Hon. W. J. Bryan.

GLASSCOCK,  
CHAMBERS.

Senator Looney offered the following substitute for the amendment:

Amend the report so as that no recommendation shall be contained therein naming any person to introduce Hon. W. J. Bryan on the occasion of his address on the 29th inst.

(Senator Hudspeth in the chair.)

Senator Looney moved the previous question on the amendment, the substitute for the amendment, which motion was duly seconded, and the same was ordered.

The substitute amendment was adopted, and the amendment, as substituted, was then adopted.

Senator Chambers offered the following amendment, which was adopted:

Amend by striking out "no one else" at end of paragraph two, and insert in lieu thereof United States Senators and Congressmen from Texas, who shall be allowed two tickets each.

WILLACY,  
CHAMBERS.

Senator Paulus offered the following amendment.

Amend by adding "And that to each of the duly accredited newspaper representatives, reporting the legislative proceedings, there be given two tickets of admission to the lower floor."

PAULUS,  
STOKES.

Senator Looney moved the previous question on the amendment and the report, which motion being duly seconded was so ordered.

The amendment was read and adopted. The report was then adopted.

(President Pro Tem. Skinner in the chair.)

Morning call concluded.

### RECESS.

Senator Senter moved to suspend the pending order of business, and take up a House bill, and

Senator Veale moved that the Senate recess until 2:30 o'clock today. The motion to recess prevailed by the following vote:

Yeas—14.

Barrett.	Looney.
Chambers.	Mayfield.
Green.	Murray.
Greer.	Paulus.
Grinnan.	Skinner.
Harbison.	Stone.
Holsey.	Veale.

Nays—12.

Cunningham.	Kellie.
Faust.	Masterson.
Glasscock.	Senter.
Griggs.	Smith.
Harper.	Stokes.
Hudspeth.	Watson.

Absent.

Brachfield.	Terrell.
Meachum.	Willacy.

Absent—Excused.

Alexander.

### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

### PRIVILEGED MOTION.

Senator Terrell called up the motion which he filed on yesterday, and which motion sought to rescind the vote by which the vote on the final passage of Senate bill No. 185 was reconsidered and tabled.

The motion to rescind prevailed.

Senator Terrell then moved to reconsider the vote by which the bill finally passed.

The motion to reconsider prevailed, which placed the bill back on third reading.

The Chair then laid before the Senate, on third reading,

Senate bill No. 185, A bill to be entitled "An Act to amend Article 1081, Code of Criminal Procedure, prescribing

the compensation of district attorneys to be paid by the State, by adding thereto Article 1081a, prescribing the compensation of district attorneys in districts composed of five or more counties, and declaring an emergency."

Senator Terrell offered the following amendment:

Amend the bill by adding to Article 1081a of Committee Substitute bill the following: "Provided, the provisions of this bill shall not apply to district attorneys whose last preceding annual report of himself or his predecessor shows that he or his predecessor making such report received in fees under the criminal laws over \$2495."

The amendment was adopted by the following vote:

Yeas—24.

Barrett.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.

Absent.

Brachfield.	Kellie.
Harbison.	Meachum.
Harper.	Murray.

Absent—Excused.

Alexander.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.

Absent.

Brachfield.	Kellie.
Harbison.	Meachum.
Harper.	Murray.

## Absent—Excused.

Alexander.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 186.

On motion of Senator Senter, the regular order of business (House bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 186.

The Chair laid before the Senate, on second reading,

House bill No. 186, A bill to be entitled "An Act to compel hotels, boarding houses, or other public places used for sleeping apartments, to provide means of escape in case of fire from building of two or more stories high, not already provided for by cities operating under special charter."

Senator Senter offered the following amendment, which was adopted:

Amend the bill by adding thereto Section 10 to read as follows:

"Sec. 10. The fact that there is now no adequate law upon this subject, and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—22.

Barrett.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Holsey.	Veale.
Kellie.	Watson.
Looney.	Willacy.

## Present—Not Voting.

Glasscock.

## Absent.

Brachfield.	Meachum.
Harbison.	Murray.
Harper.	Terrell.
Hudspeth.	

## Absent—Excused.

Alexander.

The bill was read third time, and passed by the following vote:

## Yeas—21.

Barrett.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Veale.
Grinnan.	Watson.
Holsey.	Willacy.
Kellie.	

## Nays—1.

Stone.

## Present—Not Voting.

Murray.

## Absent.

Brachfield.	Meachum.
Harbison.	Stokes.
Harper.	Terrell.
Hudspeth.	

## Absent—Excused.

Alexander.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 500.

On motion of Senator Veale, the regular order of business (House bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 500.

The Chair laid before the Senate, on second reading,

House bill No. 500, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, and at the Regular Session of the Twenty-seventh Legislature, and at the First Called Session of the Twenty-seventh Legislature, and at the Regular Session of the Twenty-eighth Legislature, and as amended by the Regular Session of the Twenty-ninth

Legislature, an act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale or shipping of game fish in this State; and to provide penalties for the violation thereof, by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish."

Senator Paulus offered the following amendment, which was adopted:

Amend the bill by adding after the word "Lamar," on line 25, page 2, the word "Lavaca."

Bill read second time, and passed to a third reading.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	

Absent.

Brachfield.	Senter.
Harbison.	Stokes.
Hudspeth.	Terrell.
Meachum.	

Absent—Excused.

Alexander.

The bill was read third time, and Senator Kellie offered the following amendment:

Amend the bill by striking out "Jasper," on page 2, line 24.

The amendment was adopted by the following vote:

Yeas—23.

Barrett.	Grinnan.
Chambers.	Harper.
Cunningham.	Holsey.
Faust.	Kellie.
Glasscock.	Looney.
Green.	Masterson.
Greer.	Mayfield.
Griggs.	Murray.

Paulus.	Veale.
Smith.	Watson.
Stone.	Willacy.
Terrell.	

Absent.

Brachfield.	Senter.
Harbison.	Skinner.
Hudspeth.	Stokes.
Meachum.	

Absent—Excused.

Alexander.

Senator Smith offered the following amendment:

Amend Section 2 of the bill by striking from the exempted counties the following named counties: "Denton and Wise."

The amendment was read, and adopted by the following vote:

Yeas—22.

Barrett.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Kellie.	Willacy.

Absent.

Brachfield.	Meachum.
Green.	Senter.
Harbison.	Skinner.
Hudspeth.	Stokes.

Absent—Excused.

Alexander.

(Senator Harper in the chair.)

Senator Terrell offered the following amendment:

Amend the bill by adding between the words "Bastrop" and "Camp," on line 21, of page 2, the word "Bowie."

The amendment was adopted by the following vote:

Yeas—23.

Barrett.	Grinnan.
Chambers.	Harper.
Cunningham.	Holsey.
Faust.	Kellie.
Glasscock.	Looney.
Green.	Masterson.
Greer.	Mayfield.
Griggs.	Murray.

Paulus.  
Smith.  
Stone.  
Terrell.

Veale.  
Watson.  
Willacy.  
  
Absent.

Brachfield.  
Harbison.  
Hudspeth.  
Meachum.

Senter.  
Skinner.  
Stokes.

Absent—Excused.

Alexander.

Senator Looney offered the following amendment:

Amend the bill by striking out from the list of exempted counties the following: "Collin, Hunt, Rains and Montague."

The amendment was adopted by the following vote:

Yeas—21.

Barrett.  
Chambers.  
Cunningham.  
Glasscock.  
Green.  
Greer.  
Griggs.  
Grinnan.  
Harper.  
Holsey.  
Looney.

Masterson.  
Mayfield.  
Murray.  
Paulus.  
Smith.  
Stokes.  
Stone.  
Veale.  
Watson.  
Willacy.

Absent.

Brachfield.  
Faust.  
Harbison.  
Hudspeth.  
Kellie.

Meachum.  
Senter.  
Skinner.  
Terrell.

Absent—Excused.

Alexander.

Senator Watson offered the following amendment:

Amend the bill by striking out of line 21, page 2, the word "Bastrop."

The amendment was adopted by the following vote:

Yeas—23.

Barrett.  
Chambers.  
Cunningham.  
Faust.  
Glasscock.  
Green.  
Greer.  
Griggs.  
Grinnan.  
Harper.  
Holsey.  
Kellie.

Looney.  
Masterson.  
Mayfield.  
Murray.  
Paulus.  
Smith.  
Stokes.  
Stone.  
Veale.  
Watson.  
Willacy.

Absent.

Brachfield.  
Harbison.  
Hudspeth.  
Meachum.

Senter.  
Skinner.  
Terrell.

Absent—Excused.

Alexander.

Senator Watson offered the following amendment:

Amend the bill by striking out of Section 2, page 2, all after the word "dollars," in lines 18 and 19.

The amendment was read, and lost by the following vote, a two-thirds vote being necessary:

Yeas—14.

Barrett.  
Cunningham.  
Glasscock.  
Griggs.  
Holsey.  
Hudspeth.  
Looney.

Mayfield.  
Skinner.  
Smith.  
Stokes.  
Terrell.  
Watson.  
Willacy.

Nays—11.

Chambers.  
Faust.  
Green.  
Greer.  
Grinnan.  
Harper.

Kellie.  
Masterson.  
Paulus.  
Stone.  
Veale.

Absent.

Brachfield.  
Harbison.  
Meachum.

Murray.  
Senter.

Absent—Excused.

Alexander.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.  
Chambers.  
Cunningham.  
Faust.  
Glasscock.  
Green.  
Greer.  
Griggs.  
Grinnan.  
Harper.  
Holsey.  
Hudspeth.

Kellie.  
Looney.  
Masterson.  
Mayfield.  
Murray.  
Paulus.  
Skinner.  
Smith.  
Stokes.  
Stone.  
Veale.  
Willacy.

Nays—1.

Watson.

## Absent.

Brachfield. Senter.  
Harbison. Terrell.  
Meachum.

## Absent—Excused.

Alexander.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 236 — HOUSE AMENDMENTS CONCURRED IN.

Senator Masterson called up, as a privileged matter,

Senate bill No. 236, A bill to be entitled "An Act to amend the charter of the city of Galveston by amending Sections 10, 24 and 51 thereof, Subdivision (f) and Subdivision (a) of Section 19 thereof, Subdivision (u) of Section 3 thereof, Subdivision (b) of Section 34 thereof, Sections 74, 54, 44, 78, 32, and Subdivision (a) of Section 71, and adding to said chapter Section 20 (a), Section 71 (b), Section 71 (c) and Section 71 (e), repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

## (1.)

Amend Section 6, Subdivision Section 20 (a), page 5, line 21, by striking out all after the word "salary" and substitute in lieu thereof "of ninety dollars (\$90) per month; the hosemen, truckmen, tillermen, drivers, firemen, in the service of the fire department, shall receive a salary of seventy dollars (\$70) per month; the engineers in the service of the fire department shall receive a salary of ninety dollars (\$90) per month."

## (2.)

Amend Section 9, page 7, line 15, by striking out "\$75,000" and substituting in lieu thereof "\$100,000."

## (3.)

Amend Section 18, page 14, line 26, by inserting after the word "constitutes" "an emergency and."

The motion to concur prevailed by the following vote:

Yeas—25.

Barrett. Faust.  
Chambers. Glasscock.  
Cunningham. Green.

Greer. Murray.  
Griggs. Paulus.  
Grinnan. Skinner.  
Harper. Smith.  
Holsey. Stokes.  
Hudspeth. Stone.  
Kellie. Veale.  
Looney. Watson.  
Masterson. Willacy.  
Mayfield.

## Absent.

Brachfield. Senter.  
Harbison. Terrell.  
Meachum.

## Absent—Excused.

Alexander.

Senator Masterson moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

## REFUSE TO SUSPEND PENDING BUSINESS.

Senator Paulus moved that the regular order of business (House bill No. 22) be suspended, and the Senate take up, out of its order, Senate bill No. 141.

Senator Mayfield moved, as a substitute, that the pending order of business (House bill No. 22) be suspended, and the Senate take up, out of its order, House bill No. 540.

The substitute motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—6.

Chambers. Hudspeth.  
Glasscock. Mayfield.  
Grinnan. Veale.

Nays—17.

Barrett. Looney.  
Cunningham. Masterson.  
Faust. Paulus.  
Green. Skinner.  
Greer. Smith.  
Griggs. Stokes.  
Harper. Stone.  
Holsey. Watson.  
Kellie.

## Absent.

Brachfield. Senter.  
Harbison. Terrell.  
Meachum. Willacy.  
Murray.

## Absent—Excused.

Alexander.

The motion by Senator Paulus, to take up Senate bill No. 141, was then lost by the following vote, a four-fifths vote being necessary:

## Yeas—14.

Barrett.	Kellie.
Cunningham.	Murray.
Faust.	Paulus.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Holsey.	Watson.

## Nays—8.

Chambers.	Looney.
Green.	Mayfield.
Harper.	Skinner.
Hudspeth.	Smith.

## Absent.

Brachfield.	Meachum.
Glasscock.	Senter.
Harbison.	Terrell.
Masterson.	Willacy.

## Absent—Excused.

Alexander.

## HOUSE BILL NO. 22.

The Chair laid before the Senate, on second reading, and regular business, House bill No. 22, A bill to be entitled "An Act to define and prohibit and punish lobbying."

Senator Stone offered the following amendment:

Amend the bill by striking out the words "or thereafter to be introduced in either branch of," in lines 22 and 23, page 1, of the printed bill.

Senator Smith moved to table the amendment, which motion to table was adopted by the following vote, the yeas and nays being called for:

## Yeas—14.

Barrett.	Looney.
Cunningham.	Mayfield.
Glasscock.	Senter.
Green.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.
Holsey.	Veale.

## Nays—11.

Chambers.	Murray.
Faust.	Paulus.
Greer.	Stone.
Griggs.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Absent.

Brachfield.	Meachum.
Harbison.	Terrell.
Masterson.	

## Absent—Excused.

Alexander.

Senator Griggs offered the following amendment:

Amend by striking out the last four words in line 31 and the first eight words in line 32, page 1.

(Lieutenant Governor Davidson in the chair.)

Senator Skinner moved to table the amendment, which motion to table prevailed:

Senator Paulus offered the following amendment:

Amend the bill by adding in line 24, page 1, after the word "privately," the following: "or publicly, willfully."

Senator Skinner moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—12.

Barrett.	Murray.
Chambers.	Senter.
Green.	Skinner.
Grinnan.	Smith.
Holsey.	Veale.
Looney.	Willacy.

## Nays—11.

Cunningham.	Mayfield.
Glasscock.	Paulus.
Griggs.	Stokes.
Harbison.	Stone.
Hudspeth.	Watson.
Kellie.	

## Absent.

Brachfield.	Masterson.
Faust.	Meachum.
Greer.	Terrell.
Harper.	

## Absent—Excused.

Alexander.

Senator Stone offered the following amendment.

Amend the bill by adding after the word "any" and before the word "inducement," in line 32, page 1, the following: "Thing of value as an."

Senator Skinner offered the following substitute for the amendment:

Amend the bill by inserting after the word "offer," in line 32, page 1, the following: "Anything of value or," and

by inserting "other" after the second word "any," in said line 32.

The substitute for the amendment was adopted.

The amendment, as substituted, was adopted.

Senator Veale moved the previous question on the bill, which motion was duly seconded. The motion was lost by the following vote:

Yeas—11.

Barrett.	Looney
Chambers.	Mayfield.
Green.	Paulus.
Grinnan.	Smith.
Harbison.	Veale.
Holsey.	

Nays—12.

Cunningham.	Murray.
Faust.	Senter.
Glasscock.	Skinner.
Griggs.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Brachfield.	Meachum.
Greer.	Stokes.
Harper.	Terrell.
Masterson.	

Absent—Excused.

Alexander.

Senator Hudspeth offered the following amendment:

Amend House bill No. 22, page 1, line 32, by adding after "any" and before the word "influence," the word "undue."

The amendment was lost by the following vote:

Yeas—11.

Cunningham.	Kellie.
Faust.	Murray.
Glasscock.	Stone.
Griggs.	Watson.
Harbison.	Willacy.
Hudspeth.	

Nays—12.

Barrett.	Mayfield.
Chambers.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Holsey.	Smith.
Looney.	Veale.

Absent.

Brachfield.	Meachum.
Greer.	Stokes.
Harper.	Terrell.
Masterson.	

Absent—Excused.

Alexander.

Senator Cunningham offered the following amendment:

Amend the bill after the word "to" and before the word "influence," in line 24, Section 1, the word "unduly."

Senator Veale moved the previous question on the amendment, and the bill, which motion being duly seconded, was so ordered by the following vote:

Yeas—15.

Barrett.	Mayfield.
Chambers.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harbison.	Veale.
Harper.	Willacy.
Looney.	

Nays—11.

Cunningham.	Kellie.
Faust.	Murray.
Glasscock.	Paulus.
Griggs.	Stone.
Holsey.	Watson.
Hudspeth.	

Absent.

Brachfield.	Meachum.
Masterson.	Terrell.

Absent—Excused.

Alexander.

Action recurred on the amendment by Senator Cunningham, and the same was lost by the following vote:

Yeas—13.

Chambers.	Kellie.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Stone.
Griggs.	Terrell.
Harbison.	Watson.
Hudspeth.	

Nays—14.

Barrett.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.
Holsey.	Veale.
Looney.	Willacy.

Absent.

Brachfield.	Meachum.
Masterson.	

## Absent—Excused.

Alexander.

The bill was read second time, and passed to a third reading by the following vote:

Yeas—18.

Barrett.	Looney.
Chambers.	Mayfield.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Veale.
Holsey.	Willacy.

Nays—8.

Cunningham.	Kellie.
Faust.	Murray.
Harbison.	Stone.
Hudspeth.	Watson.

## Absent.

Brachfield.	Meachum.
Masterson.	Terrell.

## Absent—Excused.

Alexander.

## HOUSE BILL NO. 383.

On motion of Senator Glasscock, the pending order of business (House bill No. 29) was suspended, and the Senate took up, out of its order, House bill No. 383.

The Chair laid before the Senate, on second reading,

House bill No. 383, A bill to be entitled "An Act to establish and attach to the Deaf and Dumb Institute at Austin, Texas, a branch thereof for the custodial care, maintenance and education of defective persons, which shall include the feeble-minded, idiotic, epileptic and paralytic persons in this State; defining who are feeble-minded persons, and declaring an emergency."

Senator Glasscock offered the following amendment, which was adopted:

Amend the caption by adding after the word "minded," in line 3, page 1, the following words: "And making an appropriation therefor."

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

Senate bill No. 204, A bill to be entitled "An Act to amend Title XIII, Chapter 1, of the Penal Code of the State of Texas, by adding thereto Article 482a, providing the manner in which traction engines and separators shall be transported or carried over any public bridge or culvert upon any public road or highway, or any street or alley in any incorporated town or city, and providing a penalty for the violation thereof, and declaring an emergency," with amendments.

House bill No. 389, A bill to be entitled "An Act to amend Section 71, Chapter 124, Acts of the Twenty-ninth Legislature (Section 71, School Laws, 1905), regarding the authority of school trustees in common school districts," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill:

House bill No. 389, to Committee on Educational Affairs.

## RECESS.

On motion of Senator Veale, the Senate, at 6 o'clock p. m., recessed until 8 o'clock tonight.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

## HOUSE BILL NO. 102.

On motion of Senator Chambers, who had changed places with Senator Stokes at a former time,

The Chair laid before the Senate, on second reading,

House bill No. 102, A bill to be entitled "An Act to amend Article 790, Title VIII, of the Code of Criminal Procedure of Texas, relating to evidence."

(Senator Hudspeth in the chair.)

Pending discussion on the bill, Senator Veale moved the previous question on the passage of the bill to a third reading.

The motion was duly seconded. The yeas and nays were called for, and the motion was lost by the following vote:

Yeas—6.

Cunningham.	Holsey.
Greer.	Stone.
Griggs.	Veale.

Nays—16.

Chambers.	Looney.
Faust.	Mayfield.
Glasscock.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Barrett.	Meachum.
Brachfield.	Murray.
Harbison.	Paulus.
Masterson.	Senter.

Absent—Excused.

Alexander.

Pending further discussion,

Senator Chambers moved the previous question on the passage of the bill to a third reading, the motion being duly seconded, and was so ordered.

The bill was read second time, and passed to a third reading.

Senator Chambers moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

#### ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 10:10 p. m. o'clock, adjourned until tomorrow morning at 10 o'clock.

#### APPENDIX.

#### PETITIONS.

By Senator Stokes:

To the Honorable Members of the Senate:

We, the undersigned petitioners, locomotive engineers, firemen, conductors and brakemen, and other employes, re-

spectfully represent that we are employed by the International & Great Northern Railroad Company, and would respectfully say to your honorable body that we are advised that there is now pending before the Legislature of the State of Texas a bill, the effect of which will be to reduce the passenger fare on all railroads in the State of Texas from three cents per mile to two cents per mile. We wish to say that in our opinion it would be doing a great injustice to the railroad interests of Texas at this time to so reduce said passenger rate; that we are advised and believe that the passenger business done by railroad companies is not, at the present rate, remunerative, and to reduce the fare thirty-three and one-third per cent, as this bill seeks to do, would be disastrous in its effect. As employes of said railroad company we are directly and indirectly affected by this legislation, and we are unalterably opposed to the passage of this bill, believing, as we do, that its passage would work a great hardship and perpetrate an injustice upon the railroads of this State. Therefore, we petition and urge that the members of this honorable body vote against the passage and enactment of said bill.

Numerously signed by the employes of the above named road.

By Senator Masterson:

Galveston, Texas, March 22, 1907.

Hon. T. W. Masterson, Senator, Austin, Texas; Hon. D. B. MacInerney, Representative, Austin, Texas; Hon. Clay S. Briggs, Representative, Austin, Texas.

Dear Sirs: We, the undersigned voters and others of Galveston county, understand that there is a measure pending before the House of Representatives which is known as the "two-cent passenger rate bill," and as we deem it best that it should not become a law, we sincerely request that you do your best to defeat this bill, as we know it will be a detriment to all railroad employes, inasmuch as it will reduce their income and also will reduce the efficiency of the service and be a setback to the traveling public at large, and we again sincerely request that you use all honorable means to defeat the measure. We assure all of you our most hearty support when called upon.

Numerously signed.

## MEMORIAL.

By Senator Masterson:

Galveston, Texas, March 25, 1907.

Hon. T. W. Masterson, Senator, and Messrs. Clay S. Briggs and D. B. MacInerney, Representatives from Galveston County.

Gentlemen: At a mass meeting of representative citizens, held in Rosenberg Hall, at the Y. M. C. A. building, in this city yesterday afternoon, it was resolved to forward you this memorial to be presented to the honorable Legislature, now in session.

There is now before the House for consideration Senate bill No. —, known as the Dean anti-gambling bill, making it a felony and punishable as such, to keep and exhibit a gaming table and bank for purposes of gaming, or to be proprietor, manager or to be interested in or in any way have control of a gambling house, or to permit gambling within one's house, or house under his control, or to rent a room or house for purposes of gaming.

For the complete suppression of public gambling the enactment into law of this or a similar bill is absolutely necessary, and the bill should further provide that peace officers, charged with the duty of suppressing this vice, should be authorized to break into any door behind which they believe gambling is going on, and to which admission is refused. Also to empower the officers to seize and remove and hold as evidence all gambling paraphernalia and money found on premises used for gambling, and making the mere presence of gambling paraphernalia prima facie evidence against the accused.

The professional gambler is a tax on a community in more ways than one. Every fair and honest police report shows that crimes of violence, robbery, embezzlement, theft, and oftentimes suicide, follow in the wake of the professional gambler. Homes are wrecked, poverty and misery produced and innocent women and children made to suffer.

The action and influence of the professional gambler is only to tear down. They produce no results, and have no mission except one of evil.

The practice of leniency toward this character of crime is inevitably followed by the professional gambler endeavoring to control politics and to bribe, hoodwink and bulldoze the officers charged with the enforcement of the laws against them.

They do not hesitate to use the money

of their victims to defeat candidates for office who oppose their practices. They seek to procure pre-election pledges and promises from legislative and other candidates to favor no measure against their interest in return for their political support. They corrupt juries and suborn witnesses, and eventually such practice of leniency leads to such tragedies as this city witnessed a few short years ago, and which Fort Worth witnessed last Saturday, when the life of a brave and useful officer and citizen was sacrificed because he dared to do his duty.

Theft, forgery and embezzlement and other offenses not attended with the moral turpitude and deplorable consequences of gambling are felonies, and there is no reason why gambling should not be in the same class.

Professional gambling should be no longer tolerated or trifled with, but absolutely and permanently suppressed, which will be accomplished by the enactment of the Dean anti-gambling bill.

JOHN ADRIANCE,

Chairman Citizens' Committee.

C. H. McMASTER, Secretary.

## COMMITTEE REPORTS.

(Floor Report.)

Committee Room,

Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House Concurrent Resolution No. 23, Relating to certain bonds, etc., in the Treasurer's Office,

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass.

Watson, Chairman; Griggs, Veale, Barrett, Murray, Willacy, Harper.

(Floor Report.)

Committee Room,

Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 292, A bill to be entitled "An Act to provide a way and means by which the mayor and city council and qualified voters of any city existing and being under a special charter in the State of Texas may amend its charter, and providing for the ratifica-

tion of such charter by the qualified voters of such city, and prescribing the manner in which such charter shall be recorded and its force and effect, with an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Chambers, Chairman; Green, Holsey, Griggs, Masterson, Willacy, Harbison.

(Floor Report.)

Committee Room,  
Austin, Texas, March 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 630, A bill to be entitled "An Act to amend Sections 28, 185, 193, and to repeal Sections 49 to 64, inclusive, of an act to incorporate the city of Corsicana, Navarro county, passed by the Twenty-eighth Legislature, and which became a law April 21, 1903, and to establish for said city of Corsicana the corporation court provided and required by Chapter 33 of the General Laws of the Twenty-sixth Legislature of the State of Texas, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Chambers, Chairman; Willacy, Holsey, Green, Griggs, Senter, Smith.

(Floor Report.)

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 301, A bill to be entitled "An Act to prevent any person from keeping a stud, jack, bull or any other male species of any domestic or wild animal in view of public for breeding purposes, and prescribing a penalty therefor, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Looney, Chairman; Hudspeth, Stokes, Barrett, Paulus, Watson, Cunningham, Greer, Smith.

(Floor Report.)

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 95, A bill to be entitled "An Act to pay special veniremen,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Looney, Chairman; Hudspeth, Stokes, Barrett, Paulus, Watson, Cunningham, Green, Smith.

(Floor Report.)

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 454, A bill to be entitled "An Act to protect game and fish in the county of Montgomery in the State of Texas; to prescribe penalties for violation of said act, and to declare an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Looney, Chairman; Hudspeth, Stokes, Barrett, Paulus, Watson, Cunningham, Greer, Smith

(Majority Report.)

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 8, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, Revised Civil Statutes, relating to charges and instructions to juries,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment, to-wit:

That all of said bill from the word "jury," in line 7 thereof, to the end of said bill, be stricken out, and in lieu thereof the following words be inserted: "And in case either party shall desire

to object to said charge, he shall specify in writing his objection to the court before the jury in such cause shall retire to consider of their verdict, otherwise the same shall be considered as waived."

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 27, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 8, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, Revised Civil Statutes, relating to charges and instructions to juries,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, with the following amendment:

By striking out the words "in a," in line 18, and insert in lieu of those two words "in the original."

VEALE,  
GRINNAN,  
HARPER,  
STONE.

(Floor Report.)

Committee Room,  
Austin, Texas, March 27, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

Senate bill No. 304, A bill to be entitled "An Act to allow any person, firm, company or corporation hereafter required to pay a tax for the year 1907, for pursuing any occupation upon which the tax is repealed by an act of the Thirtieth Legislature of the State of Texas, entitled 'An Act to repeal Subdivisions one (1), five (5), six (6), eight (8), eleven (11), twelve (12), thirty-one (31), thirty-three (33), thirty-eight (38), fifty-one (51), fifty-five (55), fifty-nine (59), and to amend Subdivision thirteen (13) of Section one (1) of an act entitled "An Act to amend Article 5049, Chapter 1, Title CIV, of the Revised Civil Statutes, relating to general occupation taxes, Chapter 18 of the Acts of the First Special Session of the Twenty-fifth Legislature, relating to taxes on certain occupations, approved March 21, 1907"; to pay such taxes for that portion of the year 1907 unexpired

at the date when such person, firm, company or corporation became liable for such taxes, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Faust, Chairman; Murray, Holsey, Smith, Green, Senter, Terrell.

(Floor Report.)

Committee Room,  
Austin, Texas, March 27, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 564, A bill to be entitled "An Act to amend Section 9, Chapter 3, of the Special Laws enacted at the Regular Session of the Twenty-ninth Legislature, the same being a special road law for Cherokee county, approved February 16, 1905, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Green, Chairman; Watson, Mayfield, Harper, Veale, Glasscock.

Committee Room,  
Austin, Texas, March 27, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 50, A bill to be entitled "An Act to prohibit bucket shops or bucket shopping within this State, and to provide penalties for its violation; to prohibit gambling in contract for future delivery; to render unlawful any contract for future deliverance where delivery is not intended, or where such contract is not made as a hedge to protect against fluctuations in value of products or security; to require commission brokers or merchants to accept no future contracts except where intended for actual delivery or a hedge on actual products or securities; to prohibit the purchase or sale of such contracts by individuals and to provide penalties against both buyer and seller and

broker who violate the provisions of this act,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 18, To amend Sections 1, 2, 3, 4, 5 and 6 of Article 5 of the Constitution of the State of Texas, so as to provide for one Supreme Court of the State of Texas, for submitting the same to the electors of the State, and making appropriation therefor,

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, March 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 217, A bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of the State of Texas, 1895, as amended by Chapter 91 of the Acts of the Twenty-ninth Legislature of the State of Texas, in reference to fees of office to be charged and collected by certain State officers, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, March 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Joint Resolution No. 13, Joint resolution proposing an amendment to Article four (4) of the Constitution of the State of Texas by adding thereto a section to be known as Section 27, providing for a Department of Agriculture, with a Bureau of Labor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article four (4) of the Constitution of the State of Texas be amended by adding thereto Section 27, when a majority of the qualified elec-

tors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment, which shall read as follows:

"Sec. 27. The Legislature shall provide for the office of Commissioner of Agriculture, who shall be either elected by the qualified voters of the State or appointed by the Governor with the advice and consent of two-thirds of the Senate, as the Legislature may provide, whose term of office, duties and salary shall be prescribed by law, in which department there shall be established by the Legislature a Bureau of Labor, when required by the public interest."

Sec. 2. The Governor of this State is hereby directed to issue and have published the necessary proclamation for the submission of this resolution to the qualified voters for members of the Legislature of the State of Texas, as an amendment to the Constitution of Texas, to be voted upon on the \* \* \* All persons favoring said amendment shall have written or printed on their ballots as follows: "For the amendment to the Constitution providing for a Department of Agriculture and a Bureau of Labor." And those opposed to said amendment shall have written or printed on their ballots as follows: Against the amendment to the Constitution providing for a Department of Agriculture and a Bureau of Labor." And the sum of two thousand (\$2000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas not otherwise appropriated, to pay the expenses of such publication, proclamation and election,

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 13, Resolved by the Senate, the House concurring, That the Governor of this State is hereby requested to return to the Senate, for correction, House bill No. 535,

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m.,

presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Substitute bill No. 20, "An Act to reorganize the First and Second Judicial Districts in the State of Texas, to prescribe the time for the holding of the courts therein, and to repeal all laws in conflict with same, and to validate all process, bonds and recognizances heretofore taken in the courts of said districts, and all judgments therein rendered or to be rendered, and to provide an emergency,"

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 8, "An Act to prohibit railway companies, street railway companies, interurban railway companies or any other chartered common carrier or transportation companies or express or sleeping car companies, or telegraph or telephone companies, or the receivers or lessees thereof, or their officers, agents or servants in this State from carrying persons free of charge or carrying property free of charge or transmitting messages free of charge or giving to or for any person or passenger a free pass or authority to travel or pass free or to have property or messages transported free over any line or lines owned, operated or controlled by any such company in this State, and naming certain persons who are excepted from the prohibition; and also prohibiting any of said companies, their officers, agents, employees, receivers or lessees from discriminating among persons in rates and service; prohibiting any person not excepted from using or enjoying such free pass or free transportation, or from becoming the beneficiary of any discrimination, and prescribing suitable

penalties, fines and imprisonment for the violation of the provisions of this act; providing for prosecutions, fixing venue of suits, and appropriating any penalties that may be collected hereunder."

Be it enacted by the Legislature of the State of Texas:

Section 1. That if any steam or electric railway company, street railway company, interurban railway company or other chartered transportation company, express company, sleeping car company, telegraph or telephone company or person or association of persons operating the same or the receivers or lessees thereof or any officer, agent or employe of any such company in this State, shall knowingly haul or carry any person or property free of charge or give or grant to any person, firm, association of persons, or corporation, a free pass, frank, a privilege or a substitute for pay or a substitute which is used or which is given to be used instead of the regular fare or rate for transportation, or any authority or permit whatsoever to travel or to pass or convey or transport any person or property free, or sell any transportation for anything except money or for any greater or less rate than is charged to all persons under the same conditions, over any railway or other transportation line or part of line, in this State; or shall knowingly permit any person to transmit any message free in this State, or shall give any frank or right of privilege to transmit messages free in this State, or property free of charge or for greater or less fare or rate than is charged other persons in this State for similar service; except such persons as are hereinafter exempted under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction in any action brought on this account, and for that purpose, shall pay to the State of Texas the sum of \$5,000 for each and every act which violates the provisions of this section; and any person, president, director, officer, employe or agent of any such corporation or association of persons who shall sell any transportation for anything except money or knowingly give, grant, issue or cause to be issued a free pass, a frank, a privilege or any substitute for or in lieu thereof for the transportation of any person, article or thing, or the sending or transmitting any messages over wire or other means of transmitting messages in this State except to such persons as are hereinafter exempted from the provisions of this act, shall be

deemed guilty of a felony under the laws of this State and upon conviction for such act shall be punished by a fine of not less than \$500 nor more than \$2000, and may in addition thereto, in the discretion of the jury, be imprisoned in the penitentiary for a term of not less than six (6) months nor more than two (2) years.

Sec. 2. That the provisions of Section one (1) of this act shall not be held to prohibit any steam or electric or interurban railway company or chartered transportation company or sleeping car company or the receivers or lessees thereof or persons operating the same, or the officers, agents or employees thereof from granting free or exchanging free passes, franks, privileges, substitute for pay or other thing herein prohibited, to the following persons:

The actual bona fide employees of any of such companies and the dependent members of their immediate families. The term employee shall be construed to embrace the following persons only: All persons actually employed and engaged in the service of any of such companies, including its officers, bona fide ticket, passenger and freight agents, physicians, surgeons and general attorneys and attorneys who appear in courts of record to try cases and who receive a reasonable annual salary, and also ex-employees within four (4) months after leaving the service of any of such companies and while seeking employment. Also persons actually employed on sleeping cars, express cars, linemen of telegraph and telephone companies, newsboys employed on trains, railway mail service employees, postoffice inspectors, chairman and bona fide members of grievance committees of employees, bona fide custom and immigration inspectors employed by the government, the State Health Officer and one assistant, and Federal health officers, also when live stock, poultry, fruit, melons, or other perishable produce is shipped, the necessary caretakers while en route and return, also trip passes to the indigent poor when application therefor is made by any religious or charitable organization, sisters of charity, also persons injured in wrecks upon the road of any such company immediately after such injury and the physicians and nurses attending such persons at the time thereof, also persons and property carried in cases of general epidemic, pestilence or other calamitous visitations at the time thereof, or immediately thereafter. Also the State Rangers, sheriffs or other bona fide elective peace officers

whose duties are to execute criminal processes, provided that if any such railroad or transportation company shall grant to any sheriff, a free pass over its line of railroad, then it shall issue like free transportation to each and every Sheriff in this State who may make to it written application therefor, and provided further that said sheriffs and other peace officers above mentioned using such free passes or transportation shall deduct the money value of the same, at the legal rate per mile from any mileage accounts against the State and litigants earned by them in executing process when such pass was used or could have been used; also members of the Live Stock Sanitary Commission of Texas, not exceeding twelve (12) in number for any one year; provided, that nothing in this act shall prevent any such companies, the receivers or lessees thereof, or the officers, agents or employees from granting to ministers of religion reduced rates of one-half ( $\frac{1}{2}$ ) the regular fare, nor shall anything in this act prevent any such companies, their receivers or lessees from transporting free of charge any article being sent to any orphan home or other charitable institution; provided further, that nothing in this act shall be construed to prohibit any such companies, their receivers or lessees or officers, agents or servants from making special rates for special occasions or under special conditions, but no such rate shall ever be made without first obtaining authority from the Railroad Commission of Texas; and provided further that no persons who hold any public office in this State shall at any time during their term of office be entitled to any such free pass or transportation, privilege or franks or substitute for fare or charges over any railway or other company mentioned in Section one (1) of this act, except employees operating trains when in the actual discharge of their duties as such and the officers hereinbefore exempted; provided further, that nothing in this act shall prohibit any street railway company from transporting free of charge, police officers and firemen in any city where said company is authorized so to do by any ordinance or authority from the city council of any such city; provided, however, that no person or persons, beneficiaries of free transportation herein permitted, shall ride on a free pass or enjoy free transportation to or from any political convention or on any political errand. That nothing in this act shall prohibit any express company from hauling or carrying free of charge the packages and property of its actual

and bona fide officers, attorneys, agents and employes who are actually in the employment of any such company, its receivers or lessees at the time when such free transportation or the right thereto is given. And provided further, that nothing in this act shall be construed to prohibit any telegraph or telephone company from carrying and transmitting free of charge the messages of its bona fide officers, attorneys, agents and employes who are actually in the employment of such company, its receivers or lessees at the time when such free transmission or the right thereto is given.

Sec. 3. If any person shall present, or offer to use in his own behalf, any permit or frank, whatsoever, to travel, pass or to convey any person or property or message which has been issued to any other person or shall, knowing that he is not entitled under the provisions of this act, apply to any railway, express, telegraph or telephone company, officer, agent, lessee, or receiver thereof for any free pass, frank, privilege or a substitute for pay given or to be used instead of the regular fare or rate for transportation or for any other consideration except money, he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail for not less than thirty days and not more than twelve months and by a fine of not less than \$100 and not more than one thousand dollars (\$1000).

Sec. 4. No company subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback or other device or exchange demand, charge, collect or receive from any person, firm, association of persons or corporation a greater or less or different compensation for any service rendered or to be rendered, in the transportation of passengers, property or messages than it charges, demands, collects or receives from any other person, firm, association of persons or corporation for doing for him, them or it a like service, if the transportation or transmission is a like kind of traffic or service under substantially similar circumstances and conditions, and any such company violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the State of Texas a penalty of five thousand dollars.

Sec. 5. That each and all companies subject to the provisions of this act, their receivers and lessees, shall report annually on such dates as may be fixed by the Railroad Commission of this State the name and residence of each and every person to whom free transportation

or right thereto was given to travel or to have his property or messages transported or transmitted over its transportation, express, sleeping car or railway or telegraph or telephone line; and any company violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the State of Texas a penalty of one thousand dollars.

Sec. 6. Any person other than the person excepted in this act, who uses any such free ticket, free pass or free transportation, frank or privilege over any railway or other transportation line or sleeping or express car, telegraph or telephone line mentioned in this act, for any distance under the control and operation of either of said companies subject to the provisions of this act or under their authority, or shall knowingly and wilfully by any means or device whatsoever obtain, use or enjoy from any such company a less fare or rate than is charged, demanded, collected or received by any such company from any other person, firm, association of persons or corporations for doing for him, them or it, a like service if the transportation of service is of a like kind of traffic or service under substantially similar circumstances and conditions, such person or such officer or agent who acts for such corporation or company thus favored, shall be guilty of a misdemeanor, and on conviction for each offense, shall be fined not less than \$100 and not more than \$1000.

Sec. 7. Any director, officer, agent or any receiver, trustee, lessee or person acting for or employed by any company subject to the provisions of this act, who alone or with any other corporation, company, person or party, shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done any act, matter or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this act required to be done, or shall cause or wilfully suffer or permit any act, matter or thing so directed, required by this act to be done, not to be done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act or shall aid or abet therein, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$1000, and if the offense for which any person shall be convicted under this section shall be unlawful discrimination in

rates, fares or charges for the transportation of passengers or property or the transmission of messages such person may, in addition to the fines hereinbefore provided for, at the discretion of the jury, be imprisoned in the penitentiary for a term of not less than six months nor more than two years.

Sec. 8. Suits brought under this act for the recovery of penalties may be brought in any court in this State having jurisdiction of the subject-matter in any county (1) where an act violative of the provisions hereof is committed; (2) where such company or receiver has an agent or representatives; (3) where the principal office of such company is situated or such receiver or receivers, or either, reside; and one-half ( $\frac{1}{2}$ ) of all moneys collected under the provisions of this act, less the commission and expenses allowed by law, shall be paid into the State treasury and constitute a part of the general revenue of the State, and the remainder thereof shall be paid into the treasury of the county where such suit or suits may be maintained and constitute a part of the jury fund of such county.

Sec. 9. It is hereby made the duty of the Railroad Commission of Texas, the Attorney General and the district and county attorneys of this State, under the direction of the Attorney General to see that the provisions of this act are enforced and obeyed, and penalties due the State are recovered and collected; and said Commission shall report to the Attorney General all violations within their knowledge, with the facts in their possession, and request him to institute, or have instituted, the proper proceedings for the recovery of any penalty that may be due the State.

Sec. 10. In any investigation, suit or prosecution which may be had or instituted under the provisions of this act, the court or tribunal in which the investigation, suit or prosecution is pending may compel all persons to attend and give testimony, and to produce such papers, books and documents as may be desired by the State and no person shall be exempt from giving testimony therein; provided, however, that no criminal action or proceedings shall be brought or prosecuted against such witness on account of any testimony so given or furnished by him.

Sec. 11. If any provision or provisions of this act which exempt or except any person, corporation or class of persons from the operation and effects of this act, or which authorize any such

persons, corporations or class of persons to give, grant, issue, receive or accept free transportation or transportation at any rate other than is granted to any and all persons of this State shall be held unconstitutional or invalid, such holding as to any such provision or provisions shall not invalidate any other portion of this act.

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

#### FIFTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, March 28, 1907

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent—Excused.

Alexander.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Willacy, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

#### EXCUSED.

On motion of Senator Willacy, Senator Meachum was excused from attendance upon the Senate yesterday on account of sickness.

On motion of Senator Stone, Senator Brachfield was excused from attendance upon the Senate yesterday on account of sickness in family.